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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Invention of:

Group Art Unit: 1813

Porter W. Anderson and
Ronald J. Eby

Examiner: K. Kim

Serial No.: 07/819,305

RECEIVED

JAN 20 1994

Filed: January 9, 1992

GROUP 1800

For: IMMUNOGENIC CONJUGATES OF
STREPTOCOCCUS PNEUMONIAE
CAPSULAR POLYMER AND TOXIN
OR TOXOID (as amended herein)

Attorney Docket: 3117-081

**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(b)
AND CERTIFICATE UNDER 37 C.F.R. §3.73(b)**

Honorable Commissioner of Patents and Trademark
Washington, D.C. 20231

S I R :

Your petitioner, Jane A. Youngers, residing at

22 Hollywood Crescent, Rochester, New York 14618

_____, represents that she is Director of Research and Project Administration of
The University of Rochester, assignee of the entire right, title, and interest in patent
application Serial No. 07/819,305 filed January 9, 1992, for IMMUNOGENIC
CONJUGATES OF STREPTOCOCCUS PNEUMONIAE CAPSULAR POLYMER AND
TOXIN OR TOXOID. The assignment was recorded at Reel 5108, Frame 0081. Your
petitioner, in her capacity as Director of Research and Project Administration of The
University of Rochester hereby disclaims the terminal part of any patent granted on the
above-identified application which could extend beyond the expiration date of the
following:

SC13448 01/24/94 07819305 16-1150 130 148 110.00CH

1. U.S. Patent No. 4,673,574, which issued on June 16, 1987 based on application Serial No. 511,048, filed July 5, 1983 for "IMMUNOGENIC CONJUGATES", which is a Continuation-in-Part of U.S. Patent Application Serial No. 298,102, filed August 31, 1981 (abandoned), the entire right, title, and interest in which is assigned to The University of Rochester. This assignment was recorded at Reel 4418, Frame 4580;

2. U.S. Patent No. 4,761,283, which issued on August 2, 1988 based on application Serial No. 845,731, filed March 28, 1986 for "IMMUNOGENIC CONJUGATES," which is a Continuation of Application Serial No. 511,048, currently Patent No. 4,673,574, the entire right, title, and interest in which is assigned to The University of Rochester. This assignment was recorded at Reel 4418, Frame 4580;

3. U.S. Patent No. 4,902,506, which issued on February 20, 1990 based on application Serial No. 859,975, filed May 5, 1986, for "IMMUNOGENIC CONJUGATES," which is a Continuation-in-Part of Application Serial No. 511,048, currently Patent No. 4,673,574. The entire right, title and interest in Application Serial No. 859,975 was originally assigned from the inventors to Praxis Biologics, Inc. This assignment was recorded at Reel 4658, Frame 0682; and then the entire right, title, and interest in which was then assigned to The University of Rochester. This assignment was recorded at Reel 5108, Frame 0081; and

4. U.S. Patent No. 5,097,020, which issued on March 17, 1992 based on application Serial No. 423,081, filed October 18, 1989 for "IMMUNOGENIC CONJUGATES", which is a Continuation of Application Serial No. 859,975, currently Patent No. 4,902,506, the entire right, title, and interest in which is assigned to The

University of Rochester [as set forth in (3) above]. This assignment was recorded at Reel 5108, Frame 0081.

Your Petitioner further agrees that any patent granted on application Serial No. 07/819,305 shall be enforceable only for and during such period that the legal title thereto shall be the same as the legal title to the following:

1. U.S. Patent No. 4,673,574 granted on June 16, 1987 based on application Serial No. 511,048;
2. U.S. Patent No. 4,761,283 granted on August 2, 1988 based on application Serial No. 845,731;
3. U.S. Patent No. 4,902,506 granted on February 20, 1990 based on application Serial No. 859,975; and
4. U.S. Patent No. 5,097,020 granted on March 17, 1992 based on application Serial No. 423,081;

this agreement to run with any patent granted on application Serial No. 07/819,305 and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on said above-identified application prior to the expiration date of the full statutory term of U.S. Patent Nos. 4,673,574; 4,761,283; 4,902,506; and/or 5,097,020, as presently shortened by any terminal disclaimer, in the event that U.S. Patent Nos. 4,673,574; 4,761,283; 4,902,506; and/or 5,097,020 later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate, or is

otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 29 Dec 93

Jane A. Youngers
Jane A. Youngers
Director, Research and Project Administration
THE UNIVERSITY OF ROCHESTER

Signed at Rochester
(City)

New York USA
(Country)



PATENT

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FEE TRANSMITTAL FOR TERMINAL DISCLAIMER

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

S I R :

Applicant submits herewith a Terminal Disclaimer Under 37 C.F.R.

§ 1.321(b) in connection with the above-identified application.

In accordance with the provisions of 37 C.F.R. § 1.20(d), the fee required to be filed with this disclaimer has been determined to be \$110.00. Please charge the required fee to Pennie & Edmonds Deposit Account No. 16-1150. A copy of this sheet is attached.

Respectfully submitted,

S. Leslie Misrock

By Geraldine L. Brown, Esq.

Date: January 3, 1994

S. Leslie Misrock

PENNIE & EDMONDS

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EXPRESS MAIL CERTIFICATION

January 3, 1994

"Express Mail" Label No. TB-389 225 639-US

Date of Deposit

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

ISMAEL MALDONADO

Type or print name of person making deposit or fee

Signature of person making deposit or fee

PENY-231273.1